



UNITED STATES | ENGLAND | GERMANY | CHINA

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September 13, 2007

Robert A. Nance
Riggs, Abney, Neal, Turpen, Orbison & Lewis
621 Seventeenth Street, Suite 1900
Denver, CO 80293

BY EMAIL

Re: State of Oklahoma v. Tyson Foods, Inc. et al.
Court File No. 05-CV-329

Dear Mr. Nance:

We are in receipt of your letter of September 13 to Theresa Hill regarding the Cargill Defendants' 30(b)(6) deposition notices to Plaintiffs. In Ms. Hill's absence, I am writing in response.

We continue to be concerned about Plaintiffs' delays in responding to these deposition notices. Plaintiffs cannot avoid their obligation to produce witnesses by seeking to involve other defendants. These are Cargill-specific depositions, and neither the Cargill Defendants nor the other Defendants have any interest in consolidating them with possible future depositions on other topics. I trust that the correspondence you have received from other defense counsel have put any doubt to rest on that issue.

With respect to the issue of objections mentioned in your letter, the Cargill Defendants served these notices on August 17, nearly a month ago, meaning Plaintiffs have had plenty of time to respond with any substantive objections. More importantly, however, although we would of course appreciate advance notice of any objections Plaintiffs may raise at the depositions, we intend to proceed with the depositions in any event and address Plaintiffs' objections in the context of specific questions, just as Plaintiffs' attorneys have done with several of the defendants. There is thus no need for us even to receive your objections prior to the depositions themselves, much less meet and confer about them.

The only issue that must be resolved before the depositions take place is whether Plaintiffs will designate witnesses and dates to permit them to take place. The Cargill Defendants' and Plaintiffs' attorneys have conferred at length on that issue, and the resolution of the issue is entirely up to Plaintiffs. Either Plaintiffs will provide dates and

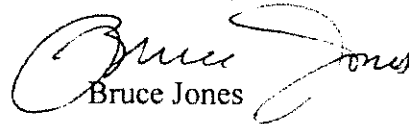
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produce witnesses for the depositions that the Cargill Defendants have noticed, or they will not.

We therefore ask that, not later than noon CDT on Monday, September 17, 2007, Plaintiffs' attorneys provide us with firm dates on which Plaintiffs will produce witnesses for these depositions. If Plaintiffs do not provide dates by that time, we will proceed with a motion to compel. I recognize that, as you state in your letter that, you will personally be in trial next week. Given the large number of attorneys representing Plaintiffs, however, I am confident that someone else can address this issue while you are unavailable.

Very truly yours,


Bruce Jones

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cc: All Defense Counsel of Record (by email)